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C O N F I D E N T I A L SECTION 01 OF 03 PORT AU PRINCE 000246

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E.O. 12958: DECL: 01/29/2016  
TAGS: [PGOV](#) [PHUM](#) [PREL](#) [HA](#)  
SUBJECT: HAITI: FATHER JEAN-JUSTE FLIES TO MIAMI FOR  
TREATMENT

REF: A. A. PAP 0185

[1](#)B. B. PAP 0110 AND PREVIOUS

Classified By: CDA TIMOTHY M. CARNEY, REASONS 1.4(B) AND (D).

[1](#)1. (C) Summary: The Haitian Court of Appeals issued an order on January 29 authorizing Father Gerard Jean-Juste to fly to Miami to seek treatment for leukemia. Initially, the IGOH attempted to let the case wind its way through the Haitian judicial system, but eventually bowed to weeks of pressure from Post and the Department to grant Jean-Juste a humanitarian release (reftels). The provisional release requires Jean-Juste to return to Haiti once he finishes treatment to face misdemeanor charges for possession of illegal arms and for associating with criminals. The decision to transfer Jean-Juste elicited a mixed reaction in Haiti as the political class focuses on elections. End Summary.

Diagnosis Confirmed Locally

[1](#)2. (C) On January 10, Father Jean-Juste on January 10 submitted to the government's request that he confirm his leukemia diagnosis in Haiti before considering a humanitarian release for treatment abroad (reftel B). Despite PM Latortue's numerous assurances to Charge Carney, DCM Griffiths, and DAS Duddy that he would ensure Jean-Juste's release after the diagnosis confirmation, Latortue subsequently backpedaled and tried to submit Jean-Juste's fate to the meanderings of the Haitian legal system. Meanwhile, Jean-Juste's lawyer Mario Joseph on January 11 requested that the state prosecutor grant a humanitarian release for his client. At a meeting January 14, Charge again raised the release issue with the PM. Latortue called the Minister of Justice who told that him that he expected the investigating judge to issue his final report (ordonnance) during the week of January 16. Investigating Judge Peres Paul issued his report January 18, dropping the criminal charges of kidnapping and murder of journalist Jacques Roche, while maintaining the misdemeanor charges of illegal arms possession and associating with criminals.

13. (C) In a meeting with A/S Shannon on January 20, the PM again expressed his intention to facilitate Jean-Juste's humanitarian release, if the judicial system failed to act quickly on the matter (reftel A). Latortue told A/S Shannon that if Mario Joseph did not appeal the investigating judge's decision to charge Jean-Juste with the misdemeanors, then the case could move to trial as soon as January 25 and the criminal court judge would impose upon Jean-Juste the minimum sentence of six months, i.e. time served, and release Jean-Juste immediately. The PM vowed that both he and President Alexandre were prepared to sign an amnesty document in the event that the judge imposed a sentence that exceeded his time already served (NOTE: Emboff called Mario Joseph on January 19 urging him not to file the appeal so that the case could be resolved quickly. Joseph said that unless he received assurances from the government that the judge would not impose a sentence greater than six months and release Jean-Juste, then he would continue to advocate for his client's innocence and file the appeal. In the end, he filed the appeal with the State Prosecutor January 20. END NOTE). The Court of Appeals had ten days to make a judgment on the appeal.

#### Jean-Juste's Health Worsens As Pressure Mounts

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14. (C) Father Jean-Juste's U.S. physician, Dr. Jennifer Furin, called human rights officer on January 25 with news that he had contracted pneumonia and that she would return to Haiti to examine him the next day. Visiting DRL PDAS Farrar and Human Rights Officer visited Jean-Juste January 26. He complained of flu-like symptoms and difficulty speaking. Dr. Furin confirmed later that day that his leukemia had progressed rapidly and the pneumonia was a consequence of the cancer cells taking over all of his infection-fighting white

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blood cells, red blood cells, and platelets. She prescribed him antibiotics to treat the pneumonia but cautioned that without appropriate treatment for the cancer, it would only be a matter of time before he developed another life-threatening infection.

15. (C) During DRL PDAS Farrar's meeting with Justice Minister Dorleans January 27 (septel), Dorleans said that the Court of Appeals had already prepared the order granting Jean-Juste a medical transfer to a hospital in the capital for treatment (NOTE: DCM had earlier won agreement of acting UNSRSG Adama Guindo to admit Jean-Juste to the Argentine's UN hospital for treatment of the pneumonia. END NOTE). Charge emphasized to Dorleans the urgency for medical treatment abroad, citing Jean-Juste's deteriorating condition. Dorleans responded that the decision on treatment abroad rested with the appeals court judge, not with him, but that he was certain the transfer to the Argentine hospital would happen the following day. Charge argued that Jean-Juste's death in prison because of the government's failure to release him for treatment would shape its legacy in the U.S. and in the international community.

#### Jean-Juste Humiliated at the Hospital

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16. (C) After further discussions between Charge and Dorleans that afternoon and following a telephone call from U/S Nick Burns to Latortue on the evening of January 27, the Court of Appeals issued an order authorizing Jean-Juste a release for treatment abroad, under the condition that he submit to an evaluation first by local oncologists to determine if the cancer treatment he required could be found locally. On the morning of January 28, Chief Prison Medical Officer Dr. Elie prepared the referral for the testing, located the local cancer specialists, and arranged for Jean-Juste to be admitted to the best private hospital in the capital, Canape Vert. With considerable assistance from emboffs, Prisons Director Wilkens Jean coordinated a medical ambulance with the Haitian Red Cross and an escort from the HNP and French

UNPOL to accompany Jean-Juste to the hospital. Initially, Jean-Juste was reluctant about the plan, particularly about going to Canape Vert hospital saying that, "Reginald Boulous and his family run that hospital" and he was skeptical that the administration would admit him as a patient. Human rights officer convinced him that the plan would work and that he needed to make sure he carried his passport and green card with him in case the transfer abroad happened that afternoon. We understand that U.S. activist Dr. Paul Farmer called Jean-Juste to urge him to go to Canape Vert Hospital.

17. (C) Father Jean-Juste, accompanied by his lawyer, waited in the emergency room of the hospital for two hours as his initial fears were realized. Prisons Director Jean and a representative of the hospital administration went back and forth over admitting Jean-Juste to the facility. The hospital administrators said that all the rooms were occupied and that they couldn't admit Father Jean-Juste (NOTE: Poloff walked around an noted that room #24, a VIP suite initially reserved for Jean-Juste by Dr. Elie, was indeed vacant. END NOTE). Meanwhile, the oncologists who had earlier agreed to evaluate him failed to answer their cell phones. The prisons director called the Minister of Justice who later sent his chief advisor and cabinet member Carlos Hercule to monitor events at the hospital. Hercule documented the hospital administration's refusal to admit the priest and noted that Father Jean-Juste had tried to comply with the Appeals Court order but encountered resistance. Hercule suggested that this move would give the appeals court all of the support it needed to justify the order transferring him abroad for treatment the next day. Jean-Juste returned to the Pacot Prison Annex for the evening.

18. (C) On the morning of January 29, Polcouns and Human Rights Officer returned to the prison annex to await the Appeals Court order and transportation to escort Father

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Jean-Juste to the airport in time for the 11:02 a.m. flight to Miami. Justice Minister Dorleans called Charge around 9:00 a.m. and said that everything was in order. The DCM updated Jean-Juste's medical team in the U.S. to ensure that someone would receive him once he arrived at Miami International Airport. Hercule arrived at the prison at 10:00 a.m. with the Appeals Court order in hand, authorizing Jean-Juste a provisional release for medical treatment to the States. The Appeals Court Clerk arrived at 10:10 a.m. to certify the documents. In the absence of police transport and with the shenanigans of the prior day fresh in their minds, emboffs transported Jean-Juste in an Embassy vehicle and whisked him and his lawyer Bill Quigley to the airport where they boarded the flight with two minutes to spare.

19. (C) Comment: The doctors failure to examine Jean-Juste at the hospital humiliated not only him, but everyone present that day. Ultimately, however, that maneuver provided the government with a strong foundation for the release abroad. Jean-Juste's release elicited some protests from anti-Aristide ranks, but in general the event has passed without further repercussions. The minor victory in this case will likely shed more light onto cases of other political detainees in particular and prolonged pretrial detention in general. We will continue to monitor this aspect of the judicial system as part of our larger judicial reform efforts. End Comment.  
CARNEY